

R

n/a
Case Number: S200000044

9/28/83

A158

PAGE 01 BUENOS 06825 01 OF 02 281900Z
ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 AID-07 INR-10 EUR-12 SS-10
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 SY-06
HA-08 L-03 TRSE-00 PM-08 PA-01 MCT-02 OMB-01
SAL-01 USIE-00 SP-02 SNP-01 PRS-01 /107 W
-----232214 281921Z /50

R 281854Z SEP 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8792
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY MONTEVIDEO
AMEMBASSY ROME
AMEMBASSY SANTIAGO
JSCINCSO QUARRY HTS PN
CINCLANT NORFOLK VA

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

SECTION 01 OF 02 BUENOS AIRES 06825

DECONTROL

CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD, ROME ALSO FOR
VATICAN OFFICE

E.O. 12356: N/A
TAGS: SHUM, PINS, PTER, AR
SUBJ: NEW ARGENTINE ANTI-TERRORIST LAW FOLLOWS AMNESTY LAW

REFS: (A) BUENOS AIRES 6717, (B) BUENOS AIRES 6756

1. SUMMARY: THE GOA DECREED A STRINGENT NEW ANTI-
TERRORIST LAW ON SEPTEMBER 27, JUST FOUR DAYS AFTER PRO-
MULGATING THE CONSTROVERSIAL AMNESTY. THE NEW ANTI-
SUBVERSION LEGAL REGIME ALLOWS POLICE TO SEARCH HOMES
WITHOUT WARRANTS, TAP TELEPHONES, OPEN MAIL, AND DETAIN
SUSPECTS INCOMMUNICADO FOR UP TO TEN DAYS. POLITICIANS

PAGE 02 BUENOS 06825 01 OF 02 281900Z

FROM NEARLY EVERY MAJOR PARTY HAVE BLASTED THE NEW LAW,
MAKING ITS REPEAL OR MODIFICATION A LIKELY EARLY ITEM OF

n/a

n/a

Case Number: S200000044

BUSINESS FOR THE INCOMING CONGRESS. THE AMNESTY-ANTI-TERRORIST LEGISLATIVE PACKAGE MAY HAVE CLEARED THE WAY FOR THE LIFTING OF THE STATE OF SIEGE BEFORE OCTOBER 30. MEANTIME, ON SEPTEMBER 27, TWO LOWER-COURT TRIAL JUDGES DECLARED THE AMNESTY LAW "ABSOLUTELY NULL" AND REFUSED TO ENFORCE IT, THEREBY CONFUSING THE STATUS OF THAT DECREE. END SUMMARY.

2. THE MILITARY GOVERNMENT DECREED A STRINGENT NEW ANTI-TERRORIST LAW ON SEPTEMBER 27, JUST FOUR DAYS AFTER PROMULGATING A CONTROVERSIAL AMNESTY LAW (SEE REFTELS). ITS PURPOSE IS "TO PROVIDE THE NATION WITH LEGAL MEANS OF PREVENTING AND PUNISHING SUBVERSION AND TERRORISM, IN ORDER TO BETTER DEFEND THE INSTITUTIONS AND RIGHTS THAT DEMOCRATIC RULE GUARANTEES THE POPULATION OF THE COUNTRY." THE LAW GRANTS BROAD POWERS TO THE POLICE TO SEARCH HOMES WITHOUT WARRANTS, TAP TELEPHONES, OPEN MAIL, AND DETAIN SUSPECTS INCOMMUNICADO FOR UP TO TEN DAYS AS LONG AS A JUDGE IS KEPT INFORMED OF THEIR DETENTION.

3. POLITICIANS FROM NEARLY EVERY MAJOR PARTY IMMEDIATELY CRITICIZED THE NEW LAW, SOME CALLING IT "NONSENSE" AND A "JOKE." PERONIST SENATORIAL CANDIDATE VICENTE SAADI SAID IT IS "A NAZI SYSTEM. . . PLACING THE LIVES, LIBERTY, AND PROPERTY OF ARGENTINES AT THE MERCY OF THE GESTAPO." OTHERS CALLED IT A NEW ENCROACHMENT UPON INDIVIDUAL FREEDOMS BY AN OUTGOING DE FACTO REGIME OR, AS A CHRISTIAN DEMOCRAT TERMED IT, "A WASTE OF PAPER." MAJOR FIGURES IN THE LEADING PARTIES, HOWEVER, SEEMED TO HOLD BACK ON REACTING TO THE MILITARY GOVERNMENT'S PRESCRIPTIONS FOR MAINTAINING INTERNAL SECURITY IN THE FUTURE.

PAGE 03 BUENOS 06825 01 OF 02 281900Z

THE 27-PAGE LAW FOR THE DEFENSE OF DEMOCRACY (FORMALLY KNOWN AS THE LAW FOR THE JUDGMENT OF SUBVERSIVE ACTS) REQUIRES ONLY THE WRITTEN PERMISSION OF A POLICE CHIEF FOR TELEPHONES TO BE TAPPED AND MAIL TO BE OPENED. HOWEVER, A JUDGE MUST BE NOTIFIED OF SUCH ACTIVITIES WITHIN 48 HOURS OF THEIR OCCURRENCE. THE HOMES OF SUSPECTED TERRORISTS OR ACCOMPLICES MAY BE SEARCHED WITH NO OTHER LIMITATION THAN THE OBLIGATION TO INFORM A JUDGE WITHIN 4 HOURS OF THE ACTION. SUSPECTS MAY BE DETAINED FOR UP

n/a

n/a

Case Number: S200000044

TO 48 HOURS WITHOUT INFORMING ANYBODY EXCEPT A JUDGE, AND FOR UP TO 15 DAYS WITH THE JUDGE'S PERMISSION. ANOTHER PROVISION IS THAT NO PERSON CAN BE HELD INCOMMUNICADO FOR MORE THAN TEN DAYS UNDER ANY CIRCUMSTANCES.

5. THE NEW LAW APPEARS TO DEFINE SUBVERSIVE ACTS BY CIVILIANS, OR COMMON CRIMES WITH SUBVERSIVE IMPLICATIONS, AS BEYOND THE SPHERE OF MILITARY LAW, I.E., NOT SUBJECT TO MILITARY COURT TRIAL. CASES WILL ONLY BE HEARD BY A TRIAL JUDGE WHO WILL ISSUE DECISIONS FROM THE BENCH, WITH NO APPEALS PERMITTED. TRIALS MAY NOT LAST MORE THAN 30 DAYS.

6. COMMENT: THE AUTHORS OF THE NEW LEGISLATION SOUGHT TO PATTERN IT AFTER ANTI-TERRORIST STATUTES IN FORCE IN WESTERN EUROPE, BUT THE POLITICIANS' OUTCRY GUARANTEES CAREFUL REVIEW OF THE MEANS FOR DEALING WITH TERRORISM BY THE NEW GOVERNMENT. WHILE THE JUNTA'S PROGRAM APPEARS TO GRANT SWEEPING AUTHORITY TO THE POLICE, THERE IS A ROUGH CONSENSUS AMONG POLITICAL LEADERS ON THE NEED FOR LEGAL MECHANISMS WITH TEETH TO SAFEGUARD PUBLIC SECURITY WHILE STRENGTHENING CIVIL LIBERTIES. THE NEW LAW DOES APPEAR TO RESTRICT MILITARY INTERVENTION INTO THE JUDICIAL SYSTEM, WHILE IT SHOULD ALSO SET THE STAGE FOR AN END TO

NNN

PAGE 01 BUENOS 06825 02 OF 02 281901Z
ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	AID-07	INR-10	EUR-12	SS-10
	CIAE-00	DODE-00	H-01	IO-15	NSC-01	NSAE-00	SY-06
	HA-08	L-03	TRSE-00	PM-08	PA-01	MCT-02	OMB-01
	SAL-01	USIE-00	SP-02	SNP-01	PRS-01	/107 W	

-----232227 281925Z /50

R 281854Z SEP 83
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8793
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY MONTEVIDEO
AMEMBASSY ROME

n/a

n/a

Case Number: S200000044

AMEMBASSY SANTIAGO
JSCINCSO QUARRY HTS PN
CINCLANT NORFOLK VA

SECTION 02 OF 02 BUENOS AIRES 06825

CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD, ROME ALSO FOR
VATICAN OFFICE

E.O. 12356: N/A

TAGS: SHUM, PINS, PTER, AR

SUBJ: NEW ARGENTINE ANTI-TERRORIST LAW FOLLOWS AMNESTY LAW

THE STATE OF SIEGE WHICH HAS BEEN IN EFFECT FOR ALMOST
NINE YEARS. END COMMENT.

7. MEANWHILE, ON SEPTEMBER 27 TWO TRIAL JUDGES DECLARED
THE AMNESTY LAW "ABSOLUTELY NULL," AND REFUSED TO ENFORCE
IT IN TWO KIDNAPPING CASES UNDER THEIR JURISDICTION. THEY
ARGUED THAT THE LAW WAS PROMULGATED BY "A DE FACTO REGIME
WHICH LACKS THE LEGAL POWER TO DO SO." JUDGE GUILLERMO

PAGE 02 BUENOS 06825 02 OF 02 281901Z

LEDESMA, WHO IS HANDLING COURT INVESTIGATIONS INTO THE
DISAPPEARANCE OF HUGO ALBERTO PALMEIRO (ALLEGEDLY KIDNAP-
PED BY ARMED FORCES PERSONNEL), AND JUDGE JORGE TORLASCO,
WHO HEADS A COURT PROBE INTO THE REPORTED ABDUCTION OF
RICARDO MARIO ZUCKER, BOTH REFUSED TO SUBMIT THE CASES TO
A COURT OF APPEALS, AS PROVIDED IN THE AMNESTY. LEDESMA
SAID THAT THE GOA SHOULD BE TRIED FOR "TREASON TO THE
COUNTRY," AS IT "EXCEEDED ITS LEGAL ATTRIBUTIONS BY
PASSING A LAW THAT IS UNCONSTITUTIONAL AND INOPPORTUNE,"
CONSIDERING THAT THERE ARE ONLY FOUR WEEKS LEFT BEFORE THE
ELECTION OF THE FUTURE CONGRESS. VALLIMARESCU

NN

n/a